

**UTILITIES DIVISION[199]**

**Adopted and Filed**

**Rule making related to regulation of electric cooperatives**

The Utilities Board hereby amends Chapter 27, “Regulation of Electric Cooperatives and Municipal Electric Utilities Under Iowa Code Chapter 476,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 476.1A and 476.2.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 476.1A.

*Purpose and Summary*

This rule making rescinds paragraph 27.1(2)“o.” That paragraph established the Board’s jurisdiction over allegations of unreasonable preference or advantage pursuant to Iowa Code section 476.1A(3) against rural electric cooperatives. Based on an objection from the Iowa Association of Electric Cooperatives (IAEC) stating that complaints under this statute are not within the Board’s jurisdiction, the Board has reconsidered the statute and has determined that there is sufficient ambiguity in the language in Iowa Code section 476.1A that the Board should rescind the paragraph.

On December 8, 2021, the Board issued an order adopting amendments. The order is available on the Board’s electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under Docket No. RMU-2021-0027.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 3, 2021, as **ARC 6013C**.

Comments were filed by the Office of Consumer Advocate (OCA) and the IAEC. The IAEC supported the rescission. The OCA had no comment on the rescission but did comment on other provisions of Chapter 27. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on December 8, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

No waiver provision is included in these amendments because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in Chapter 27.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on February 16, 2022.

The following rule-making action is adopted:

Rescind paragraph **27.1(2)“o.”**

[Filed 12/9/21, effective 2/16/22]

[Published 1/12/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/22.